

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shola Gbemi	Team: Squad #14	CCRB Case #: 201901975	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 02/24/2019 3:30 PM	Location of Incident: [REDACTED]	Precinct: 84	18 Mo. SOL 8/24/2020	EO SOL 4/10/2021	
Date/Time CV Reported Wed, 02/27/2019 4:44 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/05/2019 12:38 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Pobega	12116	957043	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Almand Kucevic	20305	958780	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Pobega	Discourtesy: Police Officer Anthony Pobega spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Anthony Pobega	Discourtesy: Police Officer Anthony Pobega spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Anthony Pobega	Abuse: Police Officer Anthony Pobega threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Anthony Pobega	Off. Language: Police Officer Anthony Pobega made remarks to § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED] based upon race.	[REDACTED]

Case Summary

On February 27, 2019, § 87(2)(b) filed the following complaint by phone with IAB, which generated log number 2019-8214. The CCRB received the complaint on March 5, 2019.

On February 24, 2019, at approximately 4:00 p.m., § 87(2)(b) was driving with his § 87(2)(b)-year old nephew, § 87(2)(b) his § 87(2)(b)-year old niece, § 87(2)(b) § 87(2)(b) and § 87(2)(b)'s friend, § 87(2)(b)-year-old § 87(2)(b) when he was involved in a motor vehicle accident with another motorist. § 87(2)(b) pursued the motorist to the intersection of § 87(2)(b) and § 87(2)(b) in Brooklyn, but the motorist ultimately fled the scene. Police Officer Anthony Pobega and Police Officer Almand Kucevic, both of the 84th Precinct, responded to the location along with FDNY EMTs § 87(2)(b) and § 87(2)(b) the mother of § 87(2)(b) and § 87(2)(b) also arrived at the scene.

PO Pobega obtained § 87(2)(b)'s insurance information while § 87(2)(b) and § 87(2)(b) were on the phone. PO Pobega allegedly yelled, "Turn it down, hang up that damn phone" at § 87(2)(b) and § 87(2)(b) (**Allegation A: Discourtesy**, § 87(2)(g); **Allegation B: Discourtesy**, § 87(2)(g)). PO Pobega allegedly threatened to arrest § 87(2)(b) for fleeing the scene of an accident (**Allegation C: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) overheard PO Pobega allegedly state, "All Black people want to do is sue" (**Allegation D: Offensive Language**, § 87(2)(g)).

A request for body-worn camera footage yielded negative results. There is no other video evidence in this case.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Anthony Pobega spoke discourteously to § 87(2)(b)
§ 87(2)(b)

Allegation (B) Discourtesy: Police Officer Anthony Pobega spoke discourteously to § 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) provided accounts of the incident during a phone call statement, and later at an in-person interview (BR 01; BR 02). § 87(2)(g)

§ 87(2)(b) recounted that he was seated inside the ambulance with § 87(2)(b) and § 87(2)(b) when PO Pobega boarded the ambulance alone. EMT § 87(2)(b) exited the ambulance while EMT § 87(2)(b) remained inside. PO Pobega attempted to obtain § 87(2)(b)'s driver's license, registration information, and insurance information while § 87(2)(b) and § 87(2)(b) spoke on their phones to their mothers about the car accident. PO Pobega allegedly yelled, "Turn it down, hang up that damn phone" at § 87(2)(b) and § 87(2)(b) (BR 02).

§ 87(2)(b) recounted that she boarded the ambulance while § 87(2)(b) and § 87(2)(b) were all aboard. While § 87(2)(b) was on the phone with her mother, PO Pobega told § 87(2)(b) "Cut the fucking phone off" and "I don't care who you're talking to. Cut it off" (BR 10).

§ 87(2)(b) was uncooperative with the investigation. § 87(2)(b) and § 87(2)(b) were unavailable to the investigation (see IAs for contact attempts).

PO Pobega recounted that § 87(2)(b) was seated inside when he boarded the ambulance, accompanied by an EMT, and three additional passengers who rode with § 87(2)(b) during his motor-vehicle accident. PO Pobega did not remember the genders of the three additional passengers. PO Pobega observed that the three passengers were playing with their cellphones. None of them used their cellphones to speak with anyone. PO Pobega did not recall issuing any commands to any of the three additional passengers or making any comments regarding them being on their phones. PO Pobega denied yelling, “Turn it down, hang up that damn phone” to anyone while he was in the ambulance (BR 03).

PO Kucevic recounted that he did not board the ambulance with PO Pobega and instead spoke with additional responding officers from the 88th Precinct. PO Kucevic did not hear any of the conversations inside of the ambulance. PO Kucevic denied hearing PO Pobega yell, “Turn it down, hang up that damn phone” at any point during the incident (BR 04).

EMT § 87(2)(b) recounted that § 87(2)(b) boarded the ambulance after two females and one male. EMT § 87(2)(b) testified that at least one of the individuals was typing into their cellphone. EMT § 87(2)(b) did not recall if any officers boarded his ambulance or stepped inside to speak with anyone. EMT § 87(2)(b) did not remember an officer yelling, “Turn it down, hang up that damn phone” (BR 05).

EMT § 87(2)(b) recounted that § 87(2)(b) was the only civilian who boarded the ambulance. EMT § 87(2)(b) did not remember any officers at the incident location saying, “Turn it down, hang up that damn phone” (BR 06).

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Anthony Pobega threatened to arrest

§ 87(2)(b)

§ 87(2)(b) recounted that PO Pobega asked him, “So what happened with the glass?” § 87(2)(b) told PO Pobega, “The guy tried to hit me with his car, and I busted the window.” In his CCRB interview, § 87(2)(b) acknowledged that he pursued the other motorist from the scene of the initial incident and broke their window with a cinderblock. PO Pobega told § 87(2)(b) that he should lock him up for leaving the scene of an accident (BR 02).

§ 87(2)(b) recounted that before she exited the ambulance, she saw PO Pobega speak with § 87(2)(b) but could not overhear their interaction (BR 10).

PO Pobega recounted that § 87(2)(b) told him that he threw a brick through the window of the second motorist who was involved in his car accident. PO Pobega then told § 87(2)(b) that if the motorist was still on the scene and wanted to press charges against § 87(2)(b) could be arrested for throwing the brick, because throwing a brick through someone's window is criminal mischief and is a more serious offense than rear-ending another person's vehicle. Aside from this, PO Pobega denied mentioning arresting § 87(2)(b) at any other point (BR 03).

PO Kucevic recounted that § 87(2)(b) told PO Pobega that he threw a brick through the window of another driver's vehicle. PO Pobega then told § 87(2)(b) that he was lucky that the other driver did not appear at the scene as a complainant, because § 87(2)(b) would have been arrested for throwing the brick. PO Kucevic denied hearing PO Pobega tell § 87(2)(b) that he would lock him up for leaving the scene of an accident (BR 04).

Neither EMT § 87(2)(b) nor EMT § 87(2)(b) recalled overhearing this aspect of the incident (BR 05; BR 06).

New York State Penal Law 145.00 states that a person is guilty of criminal mischief in the fourth degree when, having no right to do so nor any reasonable ground to believe that he or she has such right, he or she intentionally damages the property of another person (BR 07).

§ 87(2)(b), § 87(2)(g)

Allegation (D) Offensive Language: Police Officer Anthony Pobega made remarks based on race.

§ 87(2)(b) recounted that he heard PO Pobega say, "All Black people want to do is sue" to PO Kuevic after PO Pobega exited the ambulance (BR 02).

§ 87(2)(b) recounted that after she exited the ambulance and sat in § 87(2)(b)'s car, PO Pobega and EMT § 87(2)(b) walked past the left side of his car. § 87(2)(b) overheard PO Pobega tell EMT § 87(2)(b) "Yes, because that's what Black people do. They just want to go to the hospital because they're trying to get money. That's what Black people do. They sue to get money" (BR 10).

PO Pobega denied having any conversations with any EMT personnel, civilians, or anyone else that was present at the scene about anyone filing a lawsuit. PO Pobega denied saying, "All Black people want to do is sue" or making any racially charged statements (BR 03).

PO Kucevic denied hearing PO Pobega make the statement, “All Black people want to do is sue” at any point during the incident (BR 04).

EMT § 87(2)(b) denied hearing any officers say, “All Black people want to do is sue” at any point during the incident (BR 05).

EMT § 87(2)(b) did not remember whether any officers said, “All Black people want to do is sue” at any point. EMT § 87(2)(b) did not hear any officers explicitly use racially motivated language during the incident (BR 06).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
 - [REDACTED]
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (BR 11).
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (BR 12).
- PO Pobega has been a member of service for five years and has been a subject in one additional complaint and one allegation, which was not substantiated. § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil & Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- On October 11, 2019, the undersigned requested record of any Notice of Claim filed regarding this incident with the New York City Comptroller’s Office. As of the date of this report, no response has been received. The response will be added to the case file upon receipt.

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date